

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JOHN CHRISPIN JUAREZ,

Defendant.

Case No.: 2:16-cr-00265-GMN-CWH

**ORDER**

Pending before the Court is Defendant John Chrispin Juarez's ("Defendant's") Objection, (ECF No. 391), to the Honorable Judge Hoffman's Order, (ECF No. 363), denying Defendant's request to reopen the detention hearing. The Government filed a Response, (ECF No. 404), and Defendant filed a Reply, (ECF No. 406). Additionally, Defendant filed a Motion for Hearing on his Objection, (ECF No. 433), and in response the Government filed a Motion to Strike, or in the Alternative, Deny Defendant's Motion for Hearing, (ECF No. 440).

When reviewing the order of a magistrate judge, the order should only be set aside if the order is clearly erroneous or contrary to law. Fed. R. Civ. P. 72(a); LR IB 3-1(a); 28 U.S.C. § 636(b)(1)(A); *Laxalt v. McClatchy*, 602 F. Supp. 214, 216 (D. Nev. 1985). A magistrate judge's order is "clearly erroneous" if the court has "a definite and firm conviction that a mistake has been committed." *See United States v. U.S. Gypsum Co.*, 333 U.S. 364, 395 (1948); *Burdick v. Comm'r IRS*, 979 F.2d 1369, 1370 (9th Cir. 1992). "An order is contrary to law when it fails to apply or misapplies relevant statutes, case law or rules of procedure." *UnitedHealth Grp., Inc. v. United Healthcare, Inc.*, No. 2:14-cv-00224-RCJ, 2014 WL 4635882, at \*1 (D. Nev. Sept. 16, 2014). When reviewing the order, however, the magistrate judge "is afforded broad discretion, which will be overruled only if abused." *Columbia Pictures, Inc. v. Bunnell*, 245 F.R.D. 443, 446 (C.D. Cal. 2007). The district judge "may not

1 simply substitute its judgment” for that of the magistrate judge. *Grimes v. City and County of*  
2 *San Francisco*, 951 F.2d 236, 241 (9th Cir. 1991) (citing *United States v. BNS, Inc.*, 858 F.2d  
3 456, 464 (9th Cir. 1988)).

4 The Court agrees with the Government that Defendant has failed to “provide any points  
5 and authorities to support his motion and the relief sought therein.” (Mot. to Strike 1:23–2:1,  
6 ECF No. 440). Specifically, Defendant has not provided the Court with new information that  
7 would change the danger to the community calculation. Moreover, Defendant fails to argue  
8 how Judge Hoffman’s Order, (ECF No. 363), denying Defendant’s request to reopen the  
9 detention hearing, is clearly erroneous or contrary to law.

10 Accordingly,

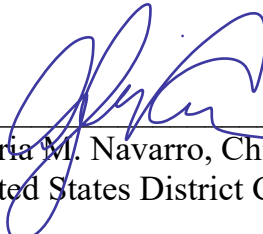
11 **IT IS HEREBY ORDERED** that Defendant’s Objection to Judge Hoffman’s Order,  
12 (ECF No. 391), is **OVERRULED**.

13 **IT IS FURTHER ORDERED** that Defendant’s Motion for Hearing, (ECF No. 433), is  
14 **DENIED**.

15 **IT IS FURTHER ORDERED** that the Government’s Motion to Strike, or in the  
16 Alternative, Deny Defendant’s Motion for Hearing, (ECF No. 440), is **GRANTED in part and**  
17 **DENIED in part**.

18 **DATED** this 28 day of February, 2018.

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Gloria M. Navarro, Chief Judge  
United States District Court